

# ***Exhibit “A”***

**UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

<p><b>ROBERT SOKOLOVE, DAVID MCCARTHY, WILLIAM SHIELDS and CITIZENS FOR REHOBOTH BEACH, a political committee,</b></p> <p><b>Plaintiffs,</b></p> <p><b>v.</b></p> <p><b>CITY OF REHOBOTH BEACH, DELAWARE and GREGORY FERRESE, individually and as Manager of the City of Rehoboth Beach, Delaware,</b></p> <p><b>Defendants.</b></p>	<p><b>Case No. 05 - 514</b></p>
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**DEFENDANTS' RESPONSES TO PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS**

Defendants, City of Rehoboth Beach, Delaware and Gregory Ferrese, by and through their counsel, Marshall, Dennehey, Warner, Coleman & Goggin, pursuant to the Federal Rule of Civil Procedure hereby respond to Plaintiffs' Request for Admissions as follows:

1. Admit that the Ordinance prohibits individuals and entities from erecting private signs on public property or public right of way located within the limits of the City.

RESPONSE: After reasonable investigation, Answering Defendants are unable to admit or deny this Request for Admission inasmuch as it seeks a legal conclusion. In addition, the terms of the Ordinance speak for themselves and require no admission or denial concerning what they say.

2. Admit that signs erected by the City currently are located on public property or public right-of-way located within the limits of the City.

**RESPONSE:** Admitted.

3. Admit that the sign for the Convention Center located in the middle of Rehoboth Avenue is located on public property or right-of-way.

RESPONSE: Admitted.

4. Admit that advertisements for private events have been displayed on the convention center sign located in the middle of Rehoboth Avenue.

RESPONSE: Admitted.

5. Admit that on or about July 9, 2005 representatives of the City removed plaintiffs' campaign signs from public property or right-of-way located within the limits of the City.\

RESPONSE: Admitted.

6. Admit that the Ordinance is the only statute, code ordinance, regulation which you contend authorized representatives of the City to remove plaintiffs' campaign signs.

RESPONSE: Admitted in part. Denied in part. It is admitted that Defendants removed plaintiffs' campaign signs pursuant to the Ordinance at issue. It is denied that the Ordinance is the only legal authority concerning Defendants' removal of Plaintiffs' campaign signs.

7. Admit that within the limits of the City there are in excess of 30 signs for the "Art League" attached to street sign poles.

RESPONSE: It is admitted that within the limits of city there are numerous signs for the "Art League" attached to street sign poles, although Defendants are unaware of the exact number of these signs.

8. Admit that the street sign poles to which the "Art League" signs are attached are located on public property or right of way within the limits of the City.

RESPONSE: Admitted.

9. Admit that the Village Improvement Association sign shown in Exhibit L to the Second Affirmative of Robert Sokolove is located on public property or right-of-way within the limits of the City.

RESPONSE: Answering Defendants cannot vouch for the authenticity or accuracy of the photograph referenced in this Request inasmuch as Answering Defendants did not take the photograph. Nevertheless, Defendants admit that the area shown in the photograph appears to be located on public property or right-of-way within the limits of the city.

10. Admit that the Oak Grove Trailer Park sign shown in Exhibit C to the Second Affidavit of Robert Sokolove is located on public property or right-of-way within the limits of the City.

RESPONSE: Answering Defendants cannot vouch for the authenticity or accuracy of the photograph referenced in this Request inasmuch as Answering Defendants did not take the photograph. Nevertheless, Defendants admit that the area shown in the photograph appears to be located on public property or right-of-way within the limits of the city.

11. Admit that the signs shown on Exhibits D through K of the Second Affidavit of Robert Sokolove are located on public property or right-of-way within the limits of the City.

RESPONSE: Answering Defendants cannot vouch for the authenticity or accuracy of the photograph referenced in this Request inasmuch as Answering Defendants did not take the photograph. Nevertheless, Defendants admit that the area shown in the photograph appears to be located on public property or right-of-way within the limits of the city.

12. Admit that the signs shown on Exhibits 1 through 13 of the Affidavit of Scott W. Sterl are located on public property or right of way within the limits of the City.

RESPONSE: Answering Defendants cannot vouch for the authenticity or accuracy of the photograph referenced in this Request inasmuch as Answering Defendants did not take the photograph. Nevertheless, Defendants admit that the area shown in the photograph appears to be located on public property or right-of-way within the limits of the city.

**MARSHALL, DENNEHEY, WARNER,  
COLEMAN & GOGGIN**

**BY: /s/ Daniel A. Griffith, Esquire**  
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DATED: December 13, 2005

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